

HOUSE BILL 733

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D3

2003 Regular Session
(31r0210)

ENROLLED BILL
-- Judiciary/Judicial Proceedings --

Introduced by **Delegate O'Donnell**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Circuit Courts - Military Discharge Papers - Limitation on Inspections and**
3 **Certified Copies**

4 FOR the purpose of requiring a clerk of a circuit court to deny inspection of the book
5 and index containing the record of a person's military discharge papers ~~in kept~~
6 by the clerk of court's office except for to certain persons ~~or in, in accordance~~
7 with a subpoena or court order, or in certain circumstances to certain persons for
8 good cause shown; limiting the provision by a clerk of a circuit court of a
9 certified copy of the record of certain military discharge papers to certain
10 persons ~~or in, in accordance with a subpoena or court order, or in certain~~
11 circumstances to certain persons for good cause shown; defining a certain term;
12 and generally relating to military discharge papers recorded and indexed by a
13 clerk of a circuit court.

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 2-207

1 Annotated Code of Maryland
2 (2002 Replacement Volume)

3 BY repealing and reenacting, without amendments,
4 Article - State Government
5 Section 10-611(e)
6 Annotated Code of Maryland
7 (1999 Replacement Volume and 2002 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Courts and Judicial Proceedings**

11 2-207.

12 (a) FOR PURPOSES OF THIS SECTION, "PERSON IN INTEREST" HAS THE
13 MEANING STATED IN § 10-611 OF THE STATE GOVERNMENT ARTICLE.

14 (B) The clerk of the circuit court of each county shall keep a book and record
15 and index in the book the discharge papers of any person who:

16 (1) At any time has served in the armed forces of the United States; and

17 (2) Presents the discharge papers of the person for recording.

18 [(b)] (C) A clerk may not charge a fee for recording or indexing discharge
19 papers.

20 [(c)] (D) The record kept by the clerk, or a certified copy of the record, is
21 admissible in evidence in any court in the State.

22 (E) (1) A CLERK SHALL DENY INSPECTION OF THE BOOK, AND THE RECORD
23 AND INDEX IN THE BOOK, DESCRIBED IN THIS SECTION ~~TO A PERSON~~ EXCEPT:

24 (I) TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
25 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
26 PARTY'S ATTORNEY ~~IN THE CASE~~, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
27 CLERK THAT THE INSPECTION IS RELATED TO ADMITTING THE RECORD OR A
28 CERTIFIED COPY OF THE RECORD IN EVIDENCE IN ~~A CASE~~ THE PROCEEDING; OR

29 (II) TO A PERSON IN INTEREST;

30 (III) IN ACCORDANCE WITH A SUBPOENA OR COURT ORDER; OR

31 (IV) TO A SPOUSE, ADULT CHILD, PARENT, ADULT SIBLING,
32 GRANDPARENT, OR GUARDIAN OF THE PERSON WHO IS THE SUBJECT OF THE
33 DISCHARGE PAPERS; OR

1 ~~(v)~~ FOR GOOD CAUSE SHOWN, TO A RELATIVE OF THE PERSON
 2 WHO IS THE SUBJECT OF THE DISCHARGE PAPERS, IF THE REQUEST FOR
 3 INSPECTION IS MADE AT LEAST 70 YEARS AFTER THE DISCHARGE PAPERS WERE
 4 PRESENTED FOR RECORDING.

5 (2) A CLERK MAY PROVIDE A CERTIFIED COPY OF A RECORD DESCRIBED
 6 IN THIS SECTION ONLY ~~TO~~:

7 (I) ~~TO A PARTY IN A CASE~~ TO A PARTY IN A CASE CIVIL, ADMINISTRATIVE, OR CRIMINAL
 8 PROCEEDING IN A FEDERAL OR STATE COURT OR GOVERNMENT AGENCY, OR THE
 9 PARTY'S ATTORNEY IN THE CASE, WHO PRESENTS EVIDENCE SATISFACTORY TO THE
 10 CLERK THAT THE CERTIFIED COPY IS FOR THE PURPOSE OF ADMISSION IN
 11 EVIDENCE IN THE CASE PROCEEDING; OR

12 (II) TO A PERSON IN INTEREST;

13 (III) IN ACCORDANCE WITH A SUBPOENA OR COURT ORDER; OR

14 (IV) ~~TO A SPOUSE, ADULT CHILD, PARENT, ADULT SIBLING,~~
 15 ~~GRANDPARENT, OR GUARDIAN OF THE PERSON WHO IS THE SUBJECT OF THE~~
 16 ~~DISCHARGE PAPERS; OR~~

17 ~~(v)~~ FOR GOOD CAUSE SHOWN, TO A RELATIVE OF THE PERSON
 18 WHO IS THE SUBJECT OF THE DISCHARGE PAPERS, IF THE REQUEST FOR A
 19 CERTIFIED COPY IS MADE AT LEAST 70 YEARS AFTER THE DISCHARGE PAPERS WERE
 20 PRESENTED FOR RECORDING.

21 **Article - State Government**

22 10-611.

23 (e) "Person in interest" means:

24 (1) a person or governmental unit that is the subject of a public record or
 25 a designee of the person or governmental unit;

26 (2) if the person has a legal disability, the parent or legal representative
 27 of the person; or

28 (3) as to requests for correction of certificates of death under §
 29 5-310(d)(2) of the Health - General Article, the spouse, adult child, parent, adult
 30 sibling, grandparent, or guardian of the person of the deceased at the time of the
 31 deceased's death.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2003.

